

REMARKS

Claims 1-31 were originally filed in the present application. In the Restriction Requirement mailed August 13, 2004, the Examiner restricted claims 1-31 into the following three groups:

- I. Claims 1-13, drawn to a dietary supplement comprising growth medium from at least one microorganism, classified in class 424, subclass 93.3 or 93.46 or 93.5, for example;
- II. Claims 14-20, drawn to a food comprising growth medium from at least one microorganism, classified in class 424, subclass 439, for example; and
- III. Claims 21-31, drawn to a method of stimulating immune response in a cell comprising: a) providing a dietary supplement comprising growth medium from at least one microorganism and; a cell; and b) administering said growth media to said cell under conditions such that an immune response is stimulated in said cell, classified in class 514, subclass 885.

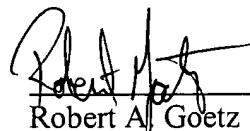
Restriction Requirement, page 2. Applicants herein elect, without traverse, to prosecute the claims of Group I. Applicants also herein cancel claims 14-31 in order to further their business interests and the prosecution of the present application, yet without acquiescing to the Examiner's arguments, and while preserving the right to prosecute the canceled (or similar) claims in the future.

The Examiner additionally states, "Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added." Restriction Requirement, page 3. The Applicants herein elect the species described in Claim 1, wherein the microorganism is fungi. Claims 1-13 are readable upon this species election. As this is a species election, the remaining non-elected species will be examined, should the elected species be found allowable.

PATENT
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As such, Claims 1-13 are pending and under examination following entry of Applicants' response to the outstanding Restriction requirement.

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Robert A. Goetz
Registration No. 55,210

MEDLEN & CARROLL, LLP
101 Howard Street, Suite 350
San Francisco, California 94105
608.218.6900